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4 Attorneys for Plaintiff  
5 CALIFORNIA PACIFIC LABS, INC.

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7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 CALIFORNIA PACIFIC LABS, INC.,  
a California corporation

13 Plaintiff,

14 vs.

15 NALGE NUNC INTERNATIONAL  
16 CORPORATION, a Delaware  
Corporation; and APOGENT  
17 TECHNOLOGIES, Inc.

18 Defendants  
19

Case No.: C 02-01418 JF

**PLAINTIFF'S NOTICE OF MOTION  
AND MOTION TO TO WITHDRAW PRIOR  
MOTION AND FOR SANCTIONS**

Date: Sept. 16, 2002  
Time: 9:00 a.m.  
Place: Courtroom 3  
Before: Hon. Jeremy Fogel

20 TO THE DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTE that on Monday, September 16, 2002 at 9:00 a.m.  
22 in Courtroom 3 of the Federal Courthouse in San Jose,  
23 California, California Pacific Labs, Inc. will present its  
24 Motions to Withdraw Prior Motion and for Sanctions.

25 Said Motions are based upon the following: (1) Plaintiff's  
26 new counsel has substituted in without adequate time to evaluate  
27 the Motion at hand; (2) despite diligent efforts, Plaintiff and  
28 its new counsel have been unable to obtain the records and other

1 things in Plaintiff's previous counsel's possession, making it  
2 further impossible for Plaintiff's new counsel to evaluate the  
3 Motion for Preliminary Injunction and/or the merits of  
4 Defendants' Motion to Strike; and (3) Defendants' counsel  
5 unreasonably refused to enter into a stipulation that would  
6 accommodate Plaintiff's new counsel's disadvantages.

7       These Motions are based upon the declarations of Ron  
8 Najafi, Ph.D. and I Braun Degenshein filed herewith, along with  
9 all of the other papers on file in this matter and the argument  
10 to be made at the hearing on the matter.

11 **Dated:** Sept. 9, 2002

12                               Respectfully submitted,

13                               **I Braun Degenshein**  
14                               **Attorney at Law**

15                               s/ I Braun Degenshein

16                               by: I Braun Degenshein  
17                                       Attorney for Plaintiff